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4 **UNITED STATES DISTRICT COURT**
5 **NORTHERN DISTRICT OF CALIFORNIA**
6 **SAN FRANCISCO DIVISION**

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8 J. DOE 1 and J. DOE 2, individually and on
behalf of all others similarly situated,

9 Plaintiffs,

10 v.

11 GITHUB, INC., a Delaware corporation;
12 MICROSOFT CORPORATION, a Washington
corporation; OPENAI, INC., a Delaware nonprofit
13 corporation; OPENAI, L.P., a Delaware limited
partnership; OPENAI GP, L.L.C., a Delaware
14 limited liability company; OPENAI STARTUP
FUND GP I, L.L.C., a Delaware limited liability
15 company; OPENAI STARTUP FUND I, L.P., a
Delaware limited partnership; OPENAI
16 STARTUP FUND MANAGEMENT, LLC, a
Delaware limited liability company,

17 Defendants.
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Case No. 4:22-cv-06823-JST
4:22-cv-07074-JST

Hon. Jon S. Tigar

CLASS ACTION

**[PROPOSED] ORDER GRANTING
DEFENDANTS OPENAI, INC.,
OPENAI, L.P., OPENAI GP, L.L.C.,
OPENAI STARTUP FUND GP I,
L.L.C., OPENAI STARTUP FUND
I, L.P. AND OPENAI STARTUP
FUND MANAGEMENT, LLC'S
MOTION TO DISMISS
COMPLAINT**

Date: May 4, 2023
Time: 2:00 p.m.
Courtroom: 6

1 Having considered the papers submitted and arguments presented in support of and in
2 opposition to Defendants OpenAI, Inc.'s, OpenAI, L.P.'s, OpenAI GP, L.L.C.'s, OpenAI Startup
3 Fund GP I, L.L.C.'s, OpenAI Startup Fund I, L.P.'s, and OpenAI Startup Fund Management,
4 LLC's (hereinafter "OpenAI Entities") Motion to Dismiss, the Court finds that Plaintiffs'
5 complaint fails to state any claim against the OpenAI Entities. The Court hereby GRANTS
6 OpenAI Entities' Motion to Dismiss and dismisses all claims asserted against the OpenAI
7 Entities, and dismisses Count I with prejudice.

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10 **IT IS SO ORDERED.**

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12 Dated: _____

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17 Honorable Jon S. Tigar
18 United States District Court Judge
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